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1 for them to return to Sears; is that right?

2 A. Yes.

3 Q. So the customers would then bring
4 that coupon in towards a replacement item;
5 is that right?

6 A. Yes.

7 Q. So this type of coupon is
8 specifically presented to one customer by
9 the service technician; is that right?

10 A. I guess, yes.

11 Q. And that's a copy of the service
12 coupon?

13 A. It is a copy of it.

14 Q. Now, if you will look with me at
15 that coupon. It's two pages. The first
16 page, now this coupon indicates it's \$65
17 off on a replacement item, correct?

18 A. Yes, ma'am.

19 Q. Okay. And it also indicates that
20 it's for those who have had a service call
21 and declined a repair; is that right?

22 A. That's what it say.

23 Q. Okay. Now, at the bottom in the

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1 bottom right-hand corner where there is a
2 note to the sales associate, do you see
3 where it says that at the bottom of the
4 page on the right-hand side?

5 A. Uh-huh.

6 Q. Okay. And at the very bottom, it
7 says please collect the coupon and destroy
8 it; is that correct?

9 A. That's what this is saying, yes.

10 Q. Okay. And it also states that it
11 expires two weeks from the date of the
12 service receipt; is that correct?

13 A. Where are you at?

14 Q. The same paragraph where there is
15 a note to the sales associate.

16 A. I see, I see, yeah.

17 Q. It says verify decline service
18 receipt is dated within two weeks from
19 today. So it expires two weeks from the
20 date of the service receipt; is that
21 correct?

22 A. That's if you're reading them,
23 yes.

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1 Q. And this also says it's not valid
2 for use with any other coupons; is that
3 right?

4 A. Yes.

5 Q. Okay. And it's valid for -- this
6 particular coupon is valid for home
7 appliance of 399 or more, correct?

8 A. Yes, ma'am.

9 Q. And it also says any other use of
10 this coupon constitutes fraud; is that
11 correct?

12 A. That's if you're reading them.

13 Q. Okay. But that's what it says,
14 right?

15 A. Okay. I see it here. That's
16 what the coupon says.

17 Q. It says one coupon per purchase;
18 is that right?

19 A. Yeah.

20 Q. Okay. Now, on the second page,
21 is that the bar code that we were talking
22 about before? There are two bar codes
23 there, is that right, at the bottom

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1 left-hand corner?

2 A. Yes.

3 Q. And the first bar code, my
4 understanding is that that's the 10 percent
5 discount on a protection agreement; is that
6 right?

7 A. I guess.

8 Q. Okay. And then you don't know or
9 you guess, you're not sure?

10 A. I didn't ever read it.

11 Q. So you don't know what that bar
12 code, what you would scan that bar code
13 for?

14 A. No, my focus was the \$65.

15 Q. So you don't know what the first
16 bar code stands for?

17 A. If I scan that, I scan the bar
18 code and it didn't qualify then nothing
19 would happen.

20 Q. Okay. So you were scanning, you
21 were looking for the second bar which is
22 the \$65 discount, correct?

23 A. Right.

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1 Q. And is that number on there
2 5770200195?

3 A. That's the number, yes.

4 Q. And that indicates that that
5 would be a \$65 discount on the purchase,
6 correct?

7 A. What you do is you just scan that
8 bar code, if that merchandise applies then
9 it will take it off.

10 Q. Okay. Now, you applied this
11 coupon to several sales transactions during
12 your employment at Sears; is that right?

13 A. I'm not going to say that I did.
14 I don't know.

15 Q. You don't remember if you applied
16 this service coupon to transactions at
17 Sears?

18 A. I used it, but I couldn't tell
19 you without actually seeing the customers
20 whether I actually ran that or not. Just
21 because it was in my number doesn't mean
22 that I ring the sales.

23 Q. Okay. I understand that. But

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1 what I'm asking you is -- you're not
2 answering my question. What I'm asking you
3 is: Did you --

4 A. I have used it, yes.

5 Q. -- during your employment at
6 Sears use this coupon?

7 A. I have used it, yes.

8 Q. Do you know if the customers that
9 you awarded this discount to had had a
10 service call?

11 A. I'm not sure.

12 Q. So you don't know if they did or
13 not?

14 A. I'm not sure.

15 Q. Do you know if the only time that
16 you gave out this coupon was when a
17 customer had had a service call and brought
18 it into the store?

19 A. Repeat that.

20 Q. Do you know if the only time that
21 you used this service coupon and applied it
22 to a sale was only when the customers
23 brought it into the store and had had a

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1 service call?

2 A. No.

3 Q. So you used it other times than
4 when a customer brought it in and had a
5 service call?

6 A. Right.

7 Q. And you understood that customers
8 who hadn't had a service call weren't
9 eligible for this coupon according to its
10 terms, correct?

11 A. Well, that was a practice at that
12 store.

13 Q. But according to the terms of the
14 coupon, that customer unless they brought
15 it in and had a service call were not
16 eligible for it, correct?

17 A. I mean, I didn't ever read the
18 coupon.

19 Q. Okay. But that's what the coupon
20 says, correct?

21 A. I didn't never read it.

22 Q. Okay. But we just went over the
23 coupon and that's what it said, correct?

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1 A. I mean, I see it today, but I
2 didn't never read it.

3 Q. Do you know if you awarded this
4 discount to customers who purchased an item
5 under 399?

6 A. I'm not sure.

7 Q. Did anyone in management ever
8 tell you that you were allowed to use the
9 service coupon for customers who had not
10 had a service call?

11 A. Well, they didn't tell us not to
12 use them either.

13 Q. Okay. But did anybody ever
14 specifically tell you that it was okay to
15 use the service coupon for customers who
16 had not had a service call?

17 A. Everybody, all associates in that
18 department use these coupons. I have
19 asked, I mean, I've actually seen other
20 peoples use them.

21 Q. Okay. Well, Ms. Willis --

22 A. And if it had been a problem with
23 us using the coupons, then management

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1 should've told us.

2 Q. Okay. Well, Ms. Willis, we're
3 going to get into that in a minute. But my
4 question is: Did anybody in management
5 ever tell you that it was okay to use this
6 coupon which is Defense Exhibit 4 in
7 circumstances when the customer had not had
8 a service call?

9 A. No, they didn't tell us not to
10 either.

11 Q. Okay. But did they tell you that
12 it was okay to use them is what I'm asking.

13 A. They didn't tell us not to.

14 Q. Ms. Willis, you're not answering
15 my question. Either they did or didn't
16 tell you. My question is: Did they tell
17 you that you were permitted to use this
18 service coupon for customers who did not
19 have a service call?

20 A. I can't say that they did, no.

21 Q. Now, the coupon says to please
22 collect and destroy the coupon; is that
23 correct?

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1 A. That's if you're reading them.

2 Q. Okay. But that's what it says;
3 is that right?

4 A. Yeah, I seen that today.

5 Q. So when you applied this coupon
6 to sales, did you destroy it or throw it
7 away?

8 A. I put it back in the drawer where
9 it was.

10 Q. But you didn't throw it away?

11 A. No.

12 Q. Did anyone in management tell you
13 specifically to keep this service coupon
14 and not throw it away?

15 A. Well, the managers would be in
16 the register and they didn't move it.

17 Q. Okay. But did anyone ever tell
18 you in management not to throw away the
19 service coupon?

20 A. No, they didn't tell me not to
21 throw it away.

22 Q. Now, did you have an associate
23 number when you worked at Sears?

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1 A. I did.

2 Q. And what was that number, do you
3 recall?

4 A. 506063 and 2428.

5 Q. 2428?

6 A. 506063.

7 Q. Okay.

8 A. And 2428.

9 Q. Okay. So you had two?

10 A. Two.

11 Q. And the second one you said was
12 2428?

13 A. Right.

14 MS. HEMSTREET: Off the record.

15 (Off-the-record discussion.)

16 Q. Do you recall, Ms. Willis, using
17 Sears' service coupon during the month of
18 October 2004?

19 A. Yeah, I did use it sometimes.

20 Q. I'm going to show you Defendant's
21 Exhibit 5.

22 (Defendant's Exhibit No. 5 was
23 marked for identification.)

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1 Q. Okay. Have you ever seen those
2 before?

3 A. The register receipts or the --

4 Q. The associates summary, have you
5 seen those --

6 A. Oh, yeah.

7 Q. -- seen those particular ones
8 before?

9 A. Yeah.

10 Q. Do you recall seeing these
11 before, Ms. Willis?

12 A. Oh, yeah.

13 Q. Okay. Now, associate summaries,
14 tell who the associate is and the
15 customer's last name, is that right? And
16 the date of the transaction and the sales
17 check number.

18 A. Well --

19 Q. And also the reduction amount; is
20 that right?

21 A. Repeat that.

22 Q. Okay. The associate summaries.

23 A. Okay.

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1 Q. If you look at the first page.

2 A. Uh-huh.

3 Q. This top typed portion.

4 A. I know what you're saying.

5 Q. Not the receipt-looking thing,
6 but the typed portion, that's an associate
7 summary; is that correct?

8 A. Well, that's the associate
9 number.

10 Q. Right. But this whole thing is
11 an associate summary, it's labeled
12 associate summary at the top; is that
13 right?

14 A. Right.

15 Q. Okay. Just so we're on the same
16 page, what I'm going to refer to as the
17 associate summary is this top typed portion
18 here excluding the receipt-looking thing
19 that's copied onto it at the bottom. Do
20 you see that?

21 A. I see that. But I also see that
22 associate number which don't mean that
23 associate ring that.

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1 Q. Okay. Well, basically what I'm
2 asking you is that if I talk about the
3 associate summary while we go through these
4 documents --

5 A. Okay.

6 Q. So just you and I are on the same
7 page, it's this typed portion, correct?

8 A. Okay.

9 Q. Okay. Now, that typed portion,
10 the top portion of the first page of
11 Exhibit 5, that shows the sales check
12 number; is that right?

13 A. Right.

14 Q. Okay. The date of the
15 transaction; is that right?

16 A. Right.

17 Q. The customer's last name?

18 A. Right.

19 Q. Okay. The total amount?

20 A. Right.

21 Q. A reduction amount which is the
22 total reduction that was given in that
23 transaction; is that right?

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1 A. Right.

2 Q. And then also at the top which
3 you were pointing out, it has an associate
4 number, correct?

5 A. Right.

6 Q. Okay. Now, your associate number
7 you said was 2428?

8 A. Uh-huh.

9 Q. Is that right?

10 A. Uh-huh.

11 Q. Okay. Now, looking at this
12 document, this first page which I'm going
13 to refer to them by the Bates stamp numbers
14 down at the bottom in the right-hand
15 corner. Do you see where it says produced
16 by defendant?

17 A. Right.

18 Q. Okay. So Document 116, do you
19 see that?

20 A. Yes.

21 Q. Okay. Now, the sales check
22 number ending in 0071, do you see that for
23 customer Moto?

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1 A. Yes.

2 Q. Now, the journal tape that's
3 printed out on the bottom, that shows that
4 the coupon ending in 00195 was used in
5 that transaction; is that right?

6 A. Let me see where -- okay. I see
7 it, yeah.

8 Q. Okay. And a discount was given
9 using that coupon of \$65; is that right?

10 A. Yes.

11 Q. Okay. And down at the bottom of
12 that receipt, it shows associate number
13 2428 conducted that transaction; is that
14 right?

15 A. Well, no.

16 Q. Well, that's --

17 A. Just because associate 2428 is on
18 there, that doesn't mean that she ring
19 that.

20 Q. Okay. But 2428 is your number?

21 A. It is on here, but that doesn't
22 mean that I am ringing this.

23 Q. Okay. But that's what it

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1 indicates; is that correct?

2 A. Well, that was any associate
3 number. But it still don't mean that I
4 rang the sale.

5 Q. Do you recall if you rang the
6 sale?

7 A. I don't.

8 Q. But that is your associate number
9 correct?

10 A. That's my number.

11 Q. Now, do you know if that customer
12 had a service call?

13 A. I don't even know whether I rang
14 the sale.

15 Q. Okay. But do you know if that
16 customer had a service call?

17 A. I don't even know the customer.

18 Q. But do you know if that customer
19 received a service call?

20 MR. MCINTYRE: Objection, it's
21 asked and answered.

22 MS. HEMSTREET: Robin, she wasn't
23 answering my question.

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1 A. I don't know.

2 Q. Okay. Thank you. Now, if you'll
3 look at document 00120.

4 A. Okay.

5 Q. 120, 120, it's just the next
6 couple of pages over. Okay. Now, at the
7 top of that associate summary, it gives the
8 associate number 2428; is that right?

9 A. Yes.

10 Q. Okay. And it shows that on sales
11 check number ending in 0343 on 10/22/04
12 there was a \$65 discount given; is that
13 right?

14 MR. MCINTYRE: Just a moment.
15 She's got to get on the right page, back
16 up.

17 MS. HEMSTREET: We're on produced
18 by defendant 120.

19 MR. MCINTYRE: This is it.

20 MS. HEMSTREET: Yeah, that's it.

21 A. Okay. You say 03?

22 Q. Transaction ending in 0343
23 customer Youngblood.

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1 A. Youngblood, okay.

2 Q. Now, do you see that there is a
3 \$65 reduction; is that right?

4 A. I see it, yes.

5 Q. Now, the journal tape shows a \$65
6 reduction with coupon number ending in
7 00195; is that right?

8 A. Yes.

9 Q. Okay. And is that the same
10 coupon, same bar code that's on the service
11 coupon?

12 A. That's what's on this paper.

13 Q. Okay. So that indicates that a
14 \$65 reduction was used giving the service
15 coupon, correct?

16 A. That's what's on here.

17 Q. Okay. Now, also on that receipt
18 it shows that it was the associate number
19 of 2428; is that right?

20 A. That's the number.

21 Q. Do you know if this customer had
22 a service call?

23 A. I don't know the customer.

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1 Q. So you don't know if they had a
2 service call?

3 A. I don't know the customer.

4 Q. So this particular --

5 A. I would be wrong if I sat here
6 and told you that I didn't know whether
7 this customer had a service call because I
8 don't even know who the customer is.

9 Q. Okay.

10 A. I don't even know whether I even
11 ring this sale.

12 Q. Okay. Do you recall ringing the
13 sale?

14 A. How would I know?

15 Q. I'm just asking do you recall the
16 sale.

17 A. I don't know.

18 Q. Okay.

19 A. I don't know Youngblood. I was
20 Sears top sales person and I would be lying
21 if I sat here and told you that I knew who
22 this person was. If she looked me in my
23 face right, I probably wouldn't know her.

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1 Q. So you don't recall ringing the
2 sale and you don't know if this person had
3 a service call; is that right?

4 A. I don't know the person.

5 Q. So, therefore, you don't know if
6 they had a service call?

7 A. I don't know.

8 Q. Thank you. Now, if you look at
9 document produced by defendant 123, the
10 associate summary. Are we on the same
11 page?

12 A. Uh-huh, uh-huh.

13 Q. Okay. Sales check ending in
14 20105 on date 10/5/04. That indicates that
15 there was a \$65 reduction given; is that
16 right?

17 A. It's on here, yes.

18 Q. Okay. And if you look at the
19 journal tape which is on the next page,
20 that indicates that that reduction was
21 given using coupon 00195 which is the
22 service coupon; is that right?

23 A. I see it on this paper, yes.

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1 Q. Okay. And that was rung up under
2 associate number 2428; is that right?

3 A. That's the number they got down
4 here.

5 Q. Okay. Do you know if this
6 customer had a service call?

7 A. I don't know the customer.

8 Q. Okay. Do you recall ringing up
9 the sale?

10 A. I don't.

11 Q. So you don't know if you did or
12 not?

13 A. I don't.

14 Q. If you look under document 127,
15 the associate --

16 A. Okay.

17 Q. The associate number at the top
18 is 2428. And the sales check number for
19 customer Hand ending in 0157.

20 A. Okay.

21 Q. And the journal tape shows a \$65
22 reduction using the service coupon or the
23 bar code attached to the service coupon; is

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1 that right?

2 A. That's what they got on here.

3 Q. Okay. And that was under
4 associate number 2428; is that right?

5 A. That's the number that's on here,
6 yes.

7 Q. Now, if you look at 131, which is
8 the next page.

9 A. Okay.

10 Q. Customer Macon, the date of the
11 transaction was 10/11/04 sales check
12 ending in 0262.

13 A. Okay.

14 Q. And the reduction amount was \$65;
15 is that right?

16 A. Yes.

17 Q. And the journal tape shows a \$65
18 reduction with the service coupon; is that
19 right?

20 A. That's what they got on the
21 sheet, yes.

22 Q. Okay. And it's associate number
23 2428; is that right?

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1 A. That's the number.

2 Q. Okay. Do you know if this person
3 had a service call?

4 A. I don't know these people. So it
5 wouldn't be no different than me and you
6 today. I don't know them.

7 Q. Do you recall if you rang the
8 sale?

9 A. I don't recall that either.

10 Q. Okay. If you look at 132,
11 document number 132.

12 A. I got it.

13 Q. Customer Turner, sales check
14 ending in 0239 on 10/14, there is a \$65
15 reduction; is that right?

16 A. That's what they have on this
17 sheet.

18 Q. Okay.

19 A. Yes.

20 Q. If you look on the journal tape,
21 it shows that it was rung under associate
22 2428; is that right?

23 A. That's what they got on this

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1 sheet of paper, yes.

2 Q. Okay. There was a \$65 reduction
3 using a service coupon; is that right?

4 A. That's what they got down here.

5 Q. And, again, do you know if this
6 customer had a service call?

7 A. I don't know the customer.

8 Q. Okay. Do you recall ringing this
9 sale?

10 A. I don't.

11 Q. Now, if you look at document 134,
12 customer Cummings, sales check ending in
13 20225.

14 A. I see it.

15 Q. Okay. The associate number on
16 the associate summary is 2428; is that
17 right?

18 A. Yes, that's what's on here.

19 Q. Okay. And on the second page of
20 one or on the page behind that, 135, it
21 indicates that there is a \$65 reduction
22 using the service coupon in that
23 transaction; is that right?

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1 A. Let me see where they have it
2 highlighted, yes.

3 Q. And that's 2428 was the associate
4 number?

5 A. That's the number.

6 Q. Okay. Do you know if you rang
7 this sale?

8 A. I really don't.

9 Q. Do you recall using a service
10 coupon here?

11 A. I don't even know the customer.

12 Q. Okay. Do you know if the
13 customer had a service call?

14 A. I don't know the customer.

15 Q. So you don't know if they had a
16 service call?

17 A. I don't know who it is. I mean,
18 just looking at this, it's not telling me
19 who the customer is. I couldn't tell you
20 that I sit here and ring this stuff because
21 I don't know. All of the associates ring
22 in other associate's number. So I'm not
23 going to sit here and own up to something

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1 that I don't know whether I did or not.

2 Q. Do you know if this customer had
3 a service call?

4 A. I don't even know who the
5 customer is.

6 Q. Okay. So therefore you don't
7 know --

8 A. I don't know.

9 Q. Okay. Thank you. Now, document
10 number 137, the first customer Eden, the
11 transaction was on 10/14/04. The sales
12 check number ending in 0313. There is a
13 \$65 reduction. And if you look on page
14 138, the journal tapes show that that
15 reduction was given using the \$65 service
16 coupon; is that right?

17 A. That's what's on this sheet.

18 Q. Okay. And it was rung under
19 associate number 2428; is that right?

20 A. That's what they have on here.

21 Q. And that's your number; is that
22 right?

23 A. That was my number, but that

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1 don't mean I rang the sale.

2 Q. Okay. Do you know if this
3 customer had a service call?

4 A. I don't even know who the
5 customer is.

6 Q. So you don't know if they had a
7 service call?

8 A. I don't even know who it is. So
9 I can't say whether they had a service
10 call.

11 Q. Okay. Do you recall ringing the
12 sale?

13 A. I don't know the customer.

14 Q. Okay. So you don't recall
15 ringing the sale?

16 A. I can't say that I did or didn't,
17 I don't know.

18 Q. Now, if you look at document 139.
19 Customer Bryant, there is a \$65 reduction
20 given there; is that right?

21 A. Yes.

22 Q. Okay. And the journal tape shows
23 that it was done with a service coupon; is

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1 that right?

2 A. That's what it shows, yes.

3 Q. Okay. And it was under associate
4 number 2428; is that right?

5 A. Yes.

6 Q. Okay. Do you know if this
7 customer had a service call?

8 A. I don't know.

9 Q. Do you know if you rang up the
10 sale?

11 A. I don't even know -- I don't know
12 any of these peoples. These peoples are --
13 I don't know them. They're just customers
14 coming in, I don't know them.

15 Q. Now, document 140, same thing.
16 Customer Moto, there is a \$65 reduction; is
17 that right?

18 A. That's what it says.

19 Q. Okay. Now, looking at the
20 journal tape, it shows that a \$65 reduction
21 was given with the service coupon; is that
22 right?

23 A. That's what it says, yes.

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1 Q. Okay. And it's under associate
2 number 2428; is that right?

3 A. Yes, that's what's on this paper.

4 Q. Okay. Again, do you know if that
5 customer had a service call?

6 A. I don't know them.

7 Q. Do you know if you rang the sale?

8 A. I honestly don't.

9 Q. Document number 141, associate
10 summary shows the last customer on there
11 customer Wilson with a sales check ending
12 in 0022. There is a \$65 reduction given
13 there; is that correct?

14 A. That's what it have in writing
15 here.

16 Q. Okay. Now, the journal tape
17 associated with that transaction which is
18 on page 142 shows that the \$65 reduction is
19 given using the service coupon; is that
20 right?

21 A. Yes, yes.

22 Q. Okay. And that was under
23 associate number 2428; is that right?

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1 A. That's what's written down here.

2 Q. Okay. So a service coupon was
3 used to give that reduction?

4 A. Yeah.

5 Q. Okay. Do you know if that
6 customer had a service call?

7 A. I don't know any of these
8 peoples.

9 Q. Okay. Do you know if that
10 particular customer had a service call?

11 A. I don't. I don't even know her.

12 Q. Do you recall ringing the sale?

13 A. No.

14 Q. Now, document number 151,
15 customer Sellers, do you know that
16 customer?

17 A. I don't know any of these
18 peoples.

19 Q. Okay. Do you know if they had a
20 service call?

21 A. Sellers, I don't know.

22 Q. Okay. Now, if you look on the
23 journal tape associated with that

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1 transaction, it shows that a reduction was
2 given using the \$65 service coupon; is that
3 right?

4 A. You said Sellers?

5 Q. That's right.

6 A. Okay. Okay. Yeah, I see that
7 now, yes.

8 Q. Okay. And it was under associate
9 number 2428; is that right?

10 A. It's under that number. But just
11 because it's under that number doesn't mean
12 I ring it.

13 Q. Okay. Do you recall ringing it?

14 A. I don't.

15 Q. Okay. Do you know if that
16 customer had a service call?

17 A. I don't know the customer.

18 Q. So you don't know if they had a
19 service call?

20 A. I don't.

21 Q. Okay. Now, same thing with
22 Youngblood on there, it shows on that
23 associate summary on 151 that they were

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1 given a \$65 discount, correct?

2 A. That's what they have down here.

3 I thought we covered Youngblood before. I
4 mean, I don't know these peoples.

5 Q. I understand.

6 A. I really don't.

7 Q. Now, on the journal tape
8 associated with Youngblood's transaction,
9 it shows a \$65 discount was given with the
10 service coupon; is that right?

11 A. Yes.

12 Q. And that was under associate
13 number 2428?

14 A. Yes.

15 Q. Now, on document number 155,
16 customer Berry, sales check ending in 0440.

17 A. Well, I was looking at this
18 because you've got Youngblood on here two
19 times.

20 Q. Is that the same transaction
21 sales check number?

22 A. The address is the same so it's
23 got to be the same person.

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1 Q. Sure, but is it the same
2 transaction? Tell me what number -- which
3 ones you're comparing, what numbers you're
4 comparing.

5 A. 152 and 120, I knew I had seen
6 that name before.

7 Q. But these transactions are on
8 different dates, correct?

9 A. Let's see. The one here is the
10 26th. One on the 25th and one on the 26th.

11 Q. Okay. And they're actually
12 different sales check numbers, so they're
13 different transactions, right?

14 A. Wait a minute, that's a
15 refrigerator. It's in forty-six too.
16 That's a refrigerator, division forty-six
17 is refrigeration, so both of them are
18 refrigerators.

19 Q. Okay. But they're different
20 sales check numbers; is that right?
21 They're different transactions, if you look
22 at -- and on different dates.

23 A. A day apart.

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1 Q. Well, one was on the 25th and the
2 other one was on the 22nd; is that right?

3 A. I don't see it on here.

4 Q. It's on the associate summary.

5 A. Oh, the 22nd, okay. I knew I had
6 seen that before. See, but that's what I'm
7 saying, I can't honestly sit here and tell
8 you I ring up any of this stuff because I
9 would be lying. I don't know. I just
10 noticed the Youngblood.

11 Q. Okay. Now, customer Berry on
12 155.

13 A. Okay.

14 Q. Now, they were given a \$65
15 discount; is that correct?

16 A. That's what they have on this
17 paper.

18 Q. Okay. And the journal tape entry
19 associated with that transaction shows a
20 \$65 reduction using the service coupon; is
21 that right?

22 A. Yeah, and they got it on here.

23 Q. Okay. Do you know if that

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1 customer had a service -- if that customer
2 had a service call?

3 A. I don't.

4 Q. Do you recall if you rang up the
5 sale?

6 A. I don't even know Harvel Berry.
7 I don't know this person.

8 Q. So you don't know if you rang it
9 up yourself?

10 A. I don't know any of these
11 peoples, I don't, I really don't.

12 Q. Now, sales check number 0077 on
13 document 159, customer Brackin.

14 A. Okay.

15 Q. They were given a \$65 discount,
16 is that correct, on 10/02/04?

17 A. That's what they got on here.

18 Q. Okay. And the journal tape shows
19 on page 160 that a \$65 reduction was given
20 using the service coupon; is that right?

21 A. That's what's on this sheet of
22 paper.

23 Q. Okay. And it was under associate

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1 number 2428; is that right?

2 A. It's under that associate number.

3 Q. Do you know if this customer had
4 a service call?

5 A. I don't know the customer.

6 Q. So you don't know if they had a
7 service call?

8 A. I don't know the customer.

9 Q. So do you know if they had a
10 service call or not?

11 A. I can't tell you that, I don't
12 know them.

13 Q. Okay. Do you recall ringing the
14 sale?

15 A. I don't know customer Brackin.

16 Q. So you don't recall ringing the
17 sale?

18 A. I don't even know who this person
19 is. Now, if we didn't ring in other
20 associate's numbers, then yes, I could
21 vouch for yes, I ring these. But all the
22 associates ring in other associate's
23 numbers. So why would I sit here and tell

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1 you that I ring this when I might not have.

2 Q. Okay. But you don't know if you
3 did or not?

4 A. I don't.

5 Q. Okay. But it was under your
6 associate number; is that correct?

7 A. It's my number, but that don't
8 mean I ringed it.

9 Q. Okay. But you recall using the
10 service coupon in the month of October?

11 A. Yeah, I have used it.

12 Q. And you don't know if those
13 people had service calls that you used them
14 for; is that right?

15 A. Well, even on here some of them
16 said that that person had service calls.
17 So I would be wrong to sit here and tell
18 you --

19 Q. When you say on here, are you
20 referring to the notes made?

21 A. On one of the ones, it said that
22 customer did have a service call.

23 Q. Okay. Do you know who made those

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1 notes?

2 A. I don't know. This is my first
3 time seeing this.

4 Q. You don't know if they were made
5 by Terry Gandy during the course of the
6 investigation?

7 A. I don't know what he did.

8 Q. Okay. But you admit to using the
9 coupon when you didn't know if customers
10 had a service call or not; is that correct?

11 A. I have used it, yes.

12 Q. And you didn't know that the
13 customers had a service call when you used
14 it?

15 A. You're asking me --

16 Q. In other words, Ms. Willis, when
17 you used -- at times when you used this
18 coupon, you used it at times when the
19 customer didn't have a service call; is
20 that right?

21 A. I have, yes.

22 Q. Okay.

23 A. And management was well aware of

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1 it.

2 Q. Now, the journal tapes that we
3 looked at, those are stored in the register
4 for thirty days; is that right? Well, at
5 the time of your termination, they were
6 stored in the register for thirty days
7 about; is that right?

8 A. Well, a journal tape, yes.

9 Q. Okay.

10 A. They only have a thirty-day
11 memory. But they could've gone in the
12 local system and went back as far as six
13 months to a year.

14 Q. When you say local systems, what
15 do you mean by that?

16 A. The computer, pull up all the
17 customer's information.

18 Q. Okay. Do you know --

19 A. All the different sales
20 associate's sales --

21 Q. Do you know if the journal tapes
22 are stored in the local systems?

23 A. Yeah, I mean, it's these things,

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1 this is what you would pull up right here.

2 And it could go back six months to a year.

3 Q. Tell me what things you're
4 referring to when you say, the associate
5 summaries?

6 A. Right, the summaries.

7 Q. But not the journal tapes?

8 A. Not the journal tapes.

9 Q. Okay. The associate summaries
10 are stored for six months, correct?

11 A. For six months. But they're
12 supposed to take the journal tape off the
13 register every night. So there is ways for
14 them to go back.

15 Q. Do you know if they were doing
16 that at the registers in appliances at the
17 time you were terminated?

18 A. They was.

19 Q. Taking the journal tapes off?

20 A. They were supposed to have been.

21 Q. Okay. Do you know if they were?

22 A. I'm not really sure. But I know
23 that that register was still set up so that

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1 you could take the register tape off.

2 Q. But do you know if they were
3 doing that and if Sears was actually
4 storing them?

5 A. They should've been if they were
6 following Sears' policy, they should have
7 been.

8 Q. Where does it say that they need
9 to pull off the journal tapes and store
10 them?

11 A. If I close that night, that was
12 one of the things that I would have to do,
13 turn in the tape too.

14 Q. Okay. But you don't know if
15 other associates were doing that; is that
16 right?

17 A. No, I don't.

18 Q. And you hardly ever closed; is
19 that right?

20 A. Hardly ever. But the same
21 information they have on the register tape,
22 they have in the associate summary, same
23 information.

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1 Q. Okay. Well, let me let me ask
2 you -- let's look at an associate summary
3 then. Does it tell you the bar code on the
4 associate summary of what coupon was used?

5 A. Well, not in this information.
6 But if they printed it out, they could get
7 this here off of the --

8 Q. Journal tapes?

9 A. -- off the journal tapes.

10 Q. But the journal tapes are erased
11 after thirty days, correct?

12 A. Huh?

13 Q. The journal tapes are gone after
14 thirty days unless somebody pulls them at
15 the time of the sale; is that right?

16 A. I'm not really sure about that.

17 Q. Okay. But you see that there
18 isn't any indication of what coupon was
19 used on the associate summary; is that
20 right? It just gives you the total
21 reduction amount, it doesn't tell you what
22 coupon was used, is that right, on the
23 associate summary?

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1 A. Well, that's what this is saying.

2 Q. Okay.

3 A. But it really depends on what
4 they're looking for or if they were looking
5 for anybody else's. Just like they found
6 this information that's supposed to have
7 been under my number, if they had wanted
8 to, they would've given you a list of
9 everybody in that department for the past
10 six months with that same information.

11 Q. Now, do you know if other people
12 were investigated?

13 A. You know what, I don't know. I
14 just know that I was the first one they
15 said that they investigated. And the day
16 that they investigated me was the day I was
17 terminated.

18 Q. Okay. So you don't know if
19 others were investigated or not?

20 A. I really don't know. Because if
21 they had truly been investigated, they
22 wouldn't be there either if they was going
23 to follow the company policy.

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1 Q. And, again, the associate summary
2 doesn't show you what coupons were used to
3 give the reduction; is that right?

4 A. No, it don't show. But what it
5 does show, you see that \$65, that was the
6 only \$65 coupon that they could have used.

7 Q. Delivery wasn't \$65, out of area
8 delivery wasn't \$65 at that time?

9 A. Out of area, yes. Depending on
10 where they were going. I think the basic
11 delivery charge at the time was \$50.

12 Q. Okay. Now, at the end of October
13 of 2004 -- well, let me back up. In
14 October of 2004, who was your immediate
15 supervisor, was that John Lawry?

16 A. Yes.

17 Q. And he was the hard line
18 supervisor; is that right?

19 A. Yes.

20 Q. Now, the lost prevention manager
21 at the time was Terry Gandy; is that right?

22 A. Yes.

23 Q. Okay. And the SGM was Kenny

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1 Reese; is that correct?

2 A. Right.

3 Q. And Byron Mason was the soft
4 lines lead; is that right?

5 A. Yes yes.

6 Q. And Byron, he's African American,
7 correct?

8 A. Right.

9 Q. And the others are white; is that
10 right?

11 A. Right.

12 Q. Now, at the end of October, do
13 you recall John Lawry coming up to you and
14 asking you if you had given a customer, I
15 think his name was Strickland, free
16 delivery?

17 A. I do.

18 Q. What did he say to you?

19 A. He asked me why didn't Mr.
20 Strickland pay for delivery. I explained
21 to him that I had talked with the delivery
22 guy.

23 Q. Do you remember who that was?

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1 A. Fred, he was working for Joel
2 Smith. And --

3 Q. Fred, do you know his last name,
4 I'm sorry?

5 A. I don't know his last name.

6 Q. Okay.

7 A. Joel Smith would know. When I
8 talked with him, he told me that --

9 Q. Who is he?

10 A. Fred.

11 Q. Okay.

12 A. The guy that was working with him
13 had a class at 6 o'clock, so he wouldn't be
14 able to deliver the refrigerator by
15 himself. So when I went back to the store
16 to tell the customer, I told him that I had
17 to have the -- had to have him on the load
18 sheet by 4 o'clock. If he wasn't on the
19 load sheet by 4 o'clock then they wouldn't
20 be able to deliver his refrigerator. So he
21 told me he was going to leave and go and
22 try to get his brother-in-law to pick up
23 his refrigerator. And that's what happened

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1 there. I told him he had until 9 o'clock
2 that night to bring me in the money or else
3 it wouldn't be delivered. Because it would
4 be easier for me to take it off the load
5 sheet than it would be to not have him on
6 there.

7 Q. So you actually entered him on
8 the load sheet?

9 A. I entered him on the load sheet.

10 Q. Okay. So you had scheduled
11 delivery; is that right?

12 A. I scheduled delivery, but he
13 needed to have that money in there to me
14 before 9 o'clock. But he came in at 8
15 o'clock and picked up his refrigerator.

16 Q. Okay.

17 A. And I told Mr. Lawry that.

18 Q. Okay. Do you know if Mr. Smith
19 complained to Sears that you were trying to
20 give customer Strickland free delivery?

21 A. I don't believe he did.

22 Q. Do you know if he did?

23 A. No. They never brought it to my

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1 attention. When I heard anything about
2 delivery, it was Mr. Strickland and I told
3 Mr. Lawry then what had happened. Of all
4 the customers that I dealt with in a day,
5 if delivery was a problem, it would be more
6 than one customer.

7 Q. Okay. So you don't know if Joel
8 Smith --

9 A. I don't believe he did.

10 Q. But do you know if he did?

11 A. I don't. Because I didn't even
12 talk with Joel Smith about the sale. It
13 was the guy that worked with him.

14 Q. Now, giving free delivery, that's
15 that violation of Sears' unauthorized
16 discount policy; is that right?

17 A. Yeah.

18 Q. And the out-of-area delivery fee
19 was \$65 at that point; is that right?

20 A. The guy didn't live out of the
21 area, the guy lived in Opelika.

22 Q. Okay. Well, my question is the
23 out of area fee was \$65 at that point?

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1 A. I don't know.

2 Q. You don't know?

3 A. I don't know. But Mr. Strickland
4 lived in Opelika, so that would've been
5 local delivery, which would've been \$50.

6 Q. Now, do you recall around that
7 time Terry Gandy and John Lawry approached
8 you and asked you about the correct
9 procedures regarding the coupon and whether
10 to disregard them or turn them in or what
11 associates were supposed to do with them?

12 A. He asked me what was the
13 procedure, yes.

14 Q. Okay. And when was that, do you
15 know?

16 A. November 1st.

17 Q. And what did you tell him?

18 A. I told him it was my
19 understanding that you were supposed to
20 throw them away. I said but you know that
21 wasn't happening. Because he was using
22 them, so he knew it wasn't happening.

23 Q. Okay. Then on that same day you

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1 met with Terry Gandy and Nina Fitzwater, is
2 that correct, about misusing the service
3 coupon?

4 A. Yes.

5 Q. Okay. Did they ask you to
6 explain during that meeting why the service
7 coupons had been used on so many sales when
8 the customer didn't receive a service call?

9 A. They did and I told them the same
10 thing that I'm telling you. I don't even
11 know whether I rang the sales. I told him
12 that he could've ringed them for all I
13 knew. He used to be a sales associate, he
14 knew how it worked.

15 Q. So you told him you didn't know
16 if you had rung the sales?

17 A. Right.

18 Q. Anything else you said during
19 that meeting?

20 A. And I told him I said that if I
21 used any of them, it was -- management was
22 aware of it. So are you going to fire the
23 whole store.

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1 Q. Anything else that you said
2 during that meeting?

3 A. Well, no. He told me I could go
4 back to the floor and not to discuss -- not
5 to discuss it with anybody because that
6 would be grounds for termination. And I
7 told him that you could be terminated for
8 anything around this place. And I went
9 back to the floor.

10 Q. Okay. Anything else that you
11 recall that was said during that meeting?

12 A. Not that I'm aware of.

13 Q. Did you write a statement?

14 A. No.

15 Q. During that meeting?

16 A. No, not that I can remember. I
17 think if I wrote anything, it was what he
18 said. I don't think I did.

19 Q. You didn't write a statement
20 saying that you've been told the \$65 coupon
21 from service is only to be used for
22 customers bringing them in after a repair?

23 A. That's what he said and that's

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1 what I wrote down there.

2 Q. Okay. Let me mark this as
3 Defense Exhibit 6.

4 (Defendant's Exhibit No. 6 was
5 marked for identification.)

6 A. Terry Gandy said that and that
7 was what I wrote.

8 Q. Okay. Is that the statement that
9 you wrote?

10 A. See, you can see the date,
11 11/1/04, that's what he said. And that's
12 what I wrote down there.

13 Q. Okay. So you wrote down that
14 you've been told that the \$65 coupon from
15 service is only to be used if a customer
16 brings them in after a repair has been done
17 on the merchandise?

18 A. Terry said it and that's what I
19 wrote down. But I told him this on the
20 floor. That, you know, that was -- well,
21 uh-uh, he asked me about coupons. He
22 didn't ask me about \$65, he asked me about
23 coupons.

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1 Q. You had an opportunity to write a
2 statement, is that right, in the meeting?

3 A. Oh, yeah.

4 Q. And that is the statement that
5 you wrote; is that right?

6 A. I jotted down what he was saying.
7 That's what he was talking about.

8 Q. Okay. You didn't write anything
9 in there about that you may not have rung
10 the sales?

11 A. I told him.

12 Q. Okay. But you didn't write
13 anything in your statement about that, did
14 you?

15 A. I wasn't giving him one. Because
16 see, I knew that was a just a bunch of
17 bologna.

18 Q. Okay. But you didn't include
19 that in your statement, did you?

20 A. No. This is what he said right
21 here and that was what I wrote. This is
22 what he was telling me and I wrote that
23 down there.

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1 Q. Okay. But you had an opportunity
2 to write a statement as to your position,
3 correct?

4 A. Yeah, I could've written one.

5 Q. Okay. And you didn't make any
6 statements in Defense Exhibit 6 that
7 management was aware that these service
8 coupons were being used like this, did you?

9 A. I didn't even write a statement.
10 What I wrote down was what he had told me,
11 that was what I wrote down.

12 Q. So you opted -- what you're
13 telling me is that opted not to write
14 anything else but what's in Defense Exhibit
15 6; is that right?

16 A. Right, because I didn't even know
17 that these people was getting ready to
18 terminate me. I didn't know that. Because
19 I felt at that time I hadn't done anything.
20 When I found out I was getting ready to be
21 terminated was when Kenny Reese called me
22 in his office. I didn't have a clue that
23 this is what was happening.

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1 Q. So you didn't provide any
2 explanation to them when they asked you why
3 they were giving you -- why you were giving
4 out the service coupons to customers who
5 weren't eligible for them?

6 A. It's just like I'm telling you, I
7 could not honestly sit here and say that I
8 even ring this stuff. I told Terry, I said
9 for all I knew, you could've ringed it. It
10 would've been just as easy for him or Kenny
11 to it as it would have been for me. Our
12 associate numbers was not a secret. Every
13 associate there knew our numbers.

14 Q. Now, you said after you met with
15 Terry and Nina, you met on the same day
16 with Terry and Kenny; is that right?

17 A. Yeah, about three or four hours
18 later.

19 Q. Okay.

20 A. Then Kenny called me to his
21 office.

22 Q. Okay. And you understood during
23 that meeting that Sears was terminating you

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1 for unauthorized discounts using the
2 service coupon; is that right?

3 A. That was what Kenny told me.

4 Q. Okay. Anything else that was
5 said during that meeting with you and Kenny
6 and Terry?

7 A. I mean, I was just shocked. I
8 couldn't believe it because I felt that I
9 hadn't done anything.

10 Q. Can you tell me everything that
11 you said during that meeting?

12 A. I mean, I'm in a state of shock.
13 And I told Kenny I said, you know, you're
14 wrong. If you was going to fire anyone for
15 using a coupon, you should fire the whole
16 store.

17 Q. Did you tell him anything else?

18 A. Because they was very much aware
19 of the coupon use. I mean, if for whatever
20 reason the bar codes wouldn't scan, they
21 would come out there with their Social
22 Security number and swipe it for the
23 reduction.

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1 Q. So at that point it was
2 authorized, is that right, when the
3 management approved it?

4 A. Yeah.

5 Q. Okay.

6 A. Whether it scanned or not, they
7 could come out there and approve it.

8 Q. That was done by somebody in
9 management, correct?

10 A. Yeah, yeah. They knew. Terry, I
11 mean, he used coupons.

12 Q. Anything else that you recall
13 that was said during that meeting?

14 A. Not to my recollection, I don't.
15 I just told him that he was going to get
16 what was coming to him.

17 Q. Did you at any point tell Terry
18 and Kenny that it was BS and you could get
19 a job selling anywhere?

20 A. Well, I told -- I told Terry that
21 when I was sitting in there talking to him.

22 Q. At the first meeting?

23 A. Yeah. At that point, I was

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1 really upset. I sure did. And Byron Mason
2 brought me my -- I called to the floor
3 after Terry terminated me for somebody to
4 bring me my purse. And Byron Mason brought
5 it. So when I walked out of Terry's
6 office, he was standing behind the wall and
7 he asked me what happened. And I told him,
8 I'll just tell you this, be careful.

9 Q. Did you say anything else to
10 Byron?

11 A. No.

12 Q. Did you have any other
13 conversations with Byron after your
14 termination?

15 A. Well, I mean, I was invited to a
16 little going away thing for one of the
17 other associates that worked there. One of
18 the older ladies, but we didn't discuss
19 what was going on with the case. But they
20 did invite me.

21 Q. So no other conversations that
22 you had with Byron since your termination?

23 A. No.

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1 Q. Any other conversations that
2 you've had with Terry or Kenny since your
3 termination?

4 A. No.

5 Q. What about John Lawry, any other
6 conversations with him?

7 A. I seen him once and, you know, we
8 just spoke and went on.

9 Q. Okay. Any conversations that
10 you've had with anybody from Sears which it
11 be a current employee or former employee
12 regarding your termination?

13 A. Not to my knowledge.

14 Q. So you never spoke to Ms. Smith
15 about it?

16 A. Well, in front of my attorney.

17 Q. Okay. Did you ever speak to
18 Shannon Bryant about it?

19 A. In front of my attorney.

20 Q. Anyone else that you've spoken to
21 about it?

22 A. That's it that I can remember.

23 Q. Okay. So you haven't had any

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1 conversations outside the presence of your
2 attorney with anyone from Sears whether it
3 be former employees or current employees
4 regarding your termination or the use of
5 coupons?

6 A. Not to my knowledge.

7 Q. Now, after you were terminated,
8 did you ask Ms. Smith to take documents
9 from Sears for you?

10 A. Yes.

11 Q. Okay. So you were --

12 A. I mean, if they would have
13 allowed me to get my blue book, I would
14 have had information in there that I did
15 get to take home.

16 Q. But that was for company
17 purposes, correct?

18 A. Yes.

19 Q. Okay. So you were asking Ms.
20 Smith to take documents from Sears for
21 personal reasons at that point, correct?

22 A. Well, so, I mean, we could show
23 that other associates were doing the same

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1 thing that they claim that we did.

2 Q. Okay. But that's for personal
3 reasons, correct?

4 A. Well, so we could bring them to
5 our attorney.

6 Q. But that's not work related,
7 correct?

8 A. Well, I wanted get them for my
9 attorney.

10 Q. And that's for personal reasons,
11 right?

12 A. I wasn't working there anymore.

13 Q. Did you have an attorney at that
14 point?

15 A. I was going to get him. We
16 needed the evidence because I knew you guys
17 wasn't going to produce any.

18 Q. So but it was for preparation to
19 file --

20 A. Exactly.

21 Q. -- a lawsuit and not related to
22 Sears' sales associate business, correct?

23 A. Just so that they'll know that we

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1 wasn't the only ones using this coupon.

2 Q. Now, have you given me all of
3 those documents that you have obtained from
4 Sears through Ms. Smith?

5 A. Yes.

6 Q. Okay. Now, you filed an EEOC
7 charge, correct, after you were terminated?

8 A. Yes.

9 Q. Okay. And in that EEOC charge,
10 you allege that Sears terminated you
11 because of your race; is that right?

12 A. Yes.

13 Q. I'm going to mark Defense
14 Exhibit 7.

15 (Defendant's Exhibit No. 7 was
16 marked for identification.)

17 Q. Is this the EEOC charge that you
18 filed against Sears?

19 A. That's it.

20 Q. Okay. And you're claiming that
21 Sears terminated you but not others because
22 of your race; is that right?

23 A. Uh-huh, I think so. Because if

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1 they had of went back to doing it the right
2 way then they would've fired the store.

3 Q. So the sole basis of your claim
4 here is based on your termination; is that
5 right?

6 A. Pretty much, yeah. Because it
7 was only -- they only chose to fire two
8 peoples when this was a practice all the
9 associates in the department was doing it.

10 Q. Now, were you aware that the EEOC
11 dismissed your charge and found that it was
12 unable to conclude that Sears had violated
13 Title 7 and discriminated against you?

14 A. Probably because the peoples they
15 were talking to were still working there.
16 They're not going to do nothing in your
17 favor.

18 Q. Did you receive that from the
19 EEOC?

20 A. I think so.

21 Q. I'm marking as Defense Exhibit 8
22 the dismissal and notice of rights to sue.
23 (Defendant's Exhibit No. 8 was

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1 marked for identification.)

2 Q. And you see on the side where it
3 has that X marked and it says the EEOC is
4 closing the file on this charge for the
5 following reasons?

6 A. Yeah, I see.

7 Q. And doesn't it say that based on
8 its investigation the EEOC is unable to
9 conclude that the information obtained
10 establishes a violation of the statutes; is
11 that right?

12 A. Uh-huh.

13 Q. Okay. Now, Ms. Willis, can you
14 tell me every reason that you think that
15 you were terminated because of your race?

16 A. Well, every reason.

17 Q. Every reason you believe that you
18 were terminated because of your race.

19 A. Because I was outspoken. There
20 was a lot of things that Mr. Reese was
21 doing that was not right. I called the
22 ethics line about the scheduling. He
23 brought Carolyn Landers in which is a white

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1 female. And he started working her the
2 hours that we worked. And during the time
3 that I worked there out of the whole ten
4 years, it has always been where the part
5 timers work around the full-timer's
6 schedule. But he changed all that. And
7 when she started, it was just black females
8 there anyway.

9 Q. And those black females -- so
10 Sears had black females in that department;
11 is that right?

12 A. Yes.

13 Q. Only?

14 A. I think Stephanie Darby, she was
15 over there.

16 Q. So it had three black people and
17 one white person?

18 A. Yeah. And it wasn't just us
19 four. The rest of them was white, there
20 was only three black females.

21 Q. Okay. So you're telling me every
22 reason you think you were terminated
23 because of your race?

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1 A. Just truly, the way he went about
2 doing things.

3 Q. And one was because you said you
4 were you outspoken. One was you think you
5 were terminated because of your race
6 because you called the ethics line --

7 A. Yeah.

8 Q. -- about the scheduling?

9 A. Yeah.

10 Q. And what else, he hired Carolyn
11 Landers who happened to be white and there
12 were only or mostly black females working
13 there?

14 A. And he started working us
15 flexible hours. And, I mean, just the way
16 he just -- I mean, he would speak -- he
17 would speak to the white associates and
18 you're standing right there. He would call
19 me off the floor to come to his office to
20 tell me he wanted me to call Lowe's to find
21 out about their delivery charge. Once I
22 find it out to come back to his office.
23 I'm a commission salesperson. I should be

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1 on the floor at all times.

2 Q. Okay. Any other reason that you
3 think you were terminated because of your
4 race besides what you've named?

5 A. Well, that's all I can think of
6 now.

7 Q. Do you know who made the decision
8 to terminate you?

9 A. Well, Kenny Reese was the one
10 that told me that I was terminated. But I
11 think they would have to go through
12 associate service center. But then that's
13 going to be based on what Kenny Reese told
14 them.

15 Q. But do you know who made the
16 decision?

17 A. I really don't.

18 Q. But Kenny Reese informed you of
19 the decision?

20 A. He's the store manager so he
21 would have --

22 Q. But he informed you of the
23 decision, right?

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1 A. Right.

2 Q. Okay. But you don't know who
3 actually had input into the decision,
4 correct?

5 A. No.

6 Q. Did Kenny Reese ever tell you
7 that Sears was terminating you because of
8 your race?

9 A. No, he wouldn't tell me that.

10 Q. Okay. Did Terry ever tell you
11 that you were being terminated because of
12 your race?

13 A. He wouldn't tell me that either.

14 Q. Okay. In fact, he told you the
15 reason you were terminated was because of
16 the misuse of the service coupon, correct?

17 A. That's what they said.

18 Q. Okay. And it's because you were
19 giving it to customers who weren't eligible
20 to receive it; is that right?

21 A. That's what that allowed to
22 happen at that store. They were very much
23 aware of who was doing what at that store

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1 because they were doing it themselves.

2 Q. Did Reese ever say anything
3 derogatory to you based on your race?

4 A. Well, he didn't even talk to me.

5 Q. So he never said anything, you
6 never heard him make any derogatory remarks
7 about African Americans or anything?

8 A. Never heard him.

9 Q. What about Terry Gandy?

10 A. Never heard it.

11 Q. Did he ever make any derogatory
12 remarks?

13 A. I never heard him. But, you
14 know, they -- I don't know what they did.
15 I just never heard them.

16 Q. Okay. Now, you said management
17 was aware of what was going on. Tell me
18 what you mean by that.

19 A. I have stood there and watched
20 Terry Gandy purchase merchandise. And the
21 associate go in the drawer, scan that
22 coupon and he at no time said one word. I
23 have been standing there when --

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1 Q. Okay. Let's start with Terry.

2 Okay. When was this, do you know?

3 A. I don't keep up with dates.

4 Q. Okay. Do you know who the
5 associate was, who the sales associate was?

6 A. Denise Smith and he purchased a
7 television, high definition.

8 Q. Gandy purchased a television?

9 A. For his friend.

10 Q. Okay. Do you know what coupon
11 she used, Ms. Smith used?

12 A. I think it was a \$30 coupon. I
13 think it was \$30 because the guy that he
14 purchased it for, I stood there and talked
15 to him.

16 Q. So the coupon she used was a \$30
17 coupon?

18 A. Uh-huh.

19 Q. Do you know if Terry was eligible
20 to receive this coupon?

21 A. Well, he didn't give it her, she
22 got it out of that drawer. But he didn't
23 say anything either.

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1 Q. Do you know if by the terms of
2 coupon he was eligible to receive it?

3 A. Well, I wasn't ringing the sale.
4 I'm telling you I seen this associate use
5 the coupon. I don't know.

6 Q. So you don't know what the terms
7 of the coupon was or if Terry was, in fact,
8 eligible to receive it, correct?

9 A. He didn't bring it in.

10 Q. I understand that. But was he
11 eligible to receive it?

12 A. He didn't bring it in.

13 Q. Do you know what the coupon said?

14 A. I seen her get that coupon out of
15 the drawer.

16 Q. I understand that. But my
17 question is: Do you know what the coupon
18 said?

19 A. I don't know what it said, no.

20 Q. Okay. Because you said before --

21 A. He didn't bring it in.

22 Q. -- Ms. Willis, that you didn't
23 read coupons, correct?

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1 A. But he didn't bring it in.

2 Q. Okay. Do you know what the terms
3 of the coupon was that Ms. Smith used?

4 A. Uh-uh. Why would I be over there
5 reading it?

6 Q. Okay. Do you know if he was
7 eligible to receive it?

8 A. Evidently, he was. It went on
9 there and he didn't say anything. But I
10 know that she got it out of the drawer. He
11 didn't bring it in.

12 Q. But you don't know if he was
13 eligible to receive it or not?

14 A. Uh-uh.

15 Q. Okay. Now, any other instance
16 where you say that management was aware of
17 this?

18 A. Yeah.

19 Q. That was one, tell me another
20 one.

21 A. Kenny Reese purchased a \$1,500
22 refrigerator for \$299.

23 Q. Okay. Who was the sales

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1 associate on that one?

2 A. It was myself.

3 Q. Yourself, okay.

4 A. And out of the ten years I worked
5 for the company, I've never seen any
6 manager, any management SGM purchase a
7 side-by-side refrigerator that cheap,
8 never.

9 Q. Okay. Now, did you use any
10 coupons in that sale?

11 A. No. Cheap as it was, he didn't
12 have to. You can't buy a top mount
13 refrigerator for \$299.

14 Q. Okay. Now, any other instance
15 where you claim that management was aware
16 that the service coupon or other coupons
17 were being given out when they weren't
18 supposed to?

19 A. All of them was aware of it.

20 Q. Well, give me a specific instance
21 of how you know they were aware of it.

22 A. Because you would have to if for
23 whatever reason it wouldn't scan, you would

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1 have to page for one to come to the floor
2 to okay it. And they will come and swipe
3 their card so that the sale would go
4 through.

5 Q. So at that point management
6 approved the use of the coupon, correct?

7 A. Yeah, yeah.

8 Q. So at that point the discount is
9 authorized because it's been approved by
10 management, correct?

11 A. Well, I mean, if what you're
12 saying -- if we're using coupons and if it
13 wouldn't scan and we're using them
14 illegally, then why would they come out
15 there and okay it?

16 Q. But you had asked management --
17 you would call management and tell them
18 it's not scanning, correct?

19 A. Uh-huh.

20 Q. And they would come out and have
21 the option at that point to approve it or
22 not, correct?

23 A. Right. But they would approve